



**THE CITY OF NEW YORK
LAW DEPARTMENT**

JAMES E. JOHNSON
Corporation Counsel

100 Church Street
NEW YORK, NY 10007

TRISTAN G. MONTAQUE
Assistant Corporation Counsel
(212) 356-3504
tmontaqu@law.nyc.gov

March 25, 2020

BY ECF

Honorable Ronnie Abrams
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Julien Gabilly v. City of New York, et al., 19-CV-11884 (RA)

Your Honor:

On behalf of defendant, The City of New York, I write to respectfully request a ninety-day stay of discovery from March 25, 2020 to June 23, 2020 due to the COVID-19 global pandemic. The current deadline for the City to answer or otherwise respond to plaintiff's complaint in the above-referenced action is April 10, 2020. While our Office anticipates being able to meet this April 10 deadline, in an abundance of caution the City suggests that the April 10, 2020 deadline also be extended to July 9, 2020. This is the City's first request for an extension of time in this matter. Plaintiff's counsel has consented to a ninety-day stay of discovery.

By way of background, in this action, plaintiff alleges civil rights claims under 42 U.S.C. §1983 arising out of a January 1, 2019 arrest of plaintiff in Manhattan. Plaintiff is alleging federal and state law claims for excessive force, abuse of process, assault and battery, negligent infliction of emotional distress and municipal liability.

As Your Honor is aware, on March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing COVID-19 pandemic and Mayor Bill de Blasio followed suit. Due to the pandemic, the relevant agencies that this Office relies upon to process discovery requests and provide documents are working at limited capacity. As such, we have not obtained, and may not obtain in the near future, documents for the underlying case from the NYPD, district attorney's office and criminal court file.

For the foregoing reasons, I respectfully request a ninety day stay of discovery to June 23, 2020. Were this Court to grant the defendant's request, *i.e.* to June 23, 2020, defendant

respectfully suggests that the Court also reschedule the deadline to answer or otherwise respond to the complaint to July 9, 2020.

Thank you for your consideration herein.

Respectfully submitted,

/s/ *T. Montague*
Tristan G. Montague
Assistant Corporation Counsel

cc. Jacob Z. Weinstein (By ECF)

Application granted.

SO ORDERED.


Hon. Ronnie Abrams
3/26/2020